

AMENDED

Serial No. 51854

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office FEB 22 1988 NEW PRIORITY DATE: OCT 14 1999 NOV 27 1995

Returned to applicant for correction MAR 7 1988

Corrected application filed APR 4 1988 Map filed APR 15 1988

The applicant GEM ENTERPRISES

P.O. Box 15146 of Las Vegas  
Street and No. or P.O. Box No. City or Town

Nevada 89114 hereby make application for permission to change the  
State and Zip Code No.

Point of Diversion  
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit No. 47654  
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.)

1. The source of water is from underground source (Piute Valley #214 Water Basin) Clark County  
Name of stream, lake, underground spring or other source. Nevada

2. The amount of water to be changed 0.25 c.f.s.  
Second feet, acre feet, One second foot equals 448.83 gallons per minute.

3. The water to be used for Mining and Milling purposes  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Mining and Milling purposes  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point SE 1/4 Sec. 30, T28S, R63E, MDBM, from  
Describe as being within a 40-acre subdivision of public survey and by course and  
which the southeast corner of said section 30 bears S60° 27' 18" E, 518.87 ft.  
distance to a section corner. If on unsurveyed land, it should be stated.

6. The existing permitted point of diversion is located within SW 1/4 NW 1/4 Section 30, T28S, R63E, MDBM  
If point of diversion is not changed, do not answer.  
or at a point from which the NW 1/4 corner of said section 30 bears S0° 56' 22" W  
a distance of 1272.40'

7. Proposed place of use (same as shown in permit no. 47654) S 1/2 Sec. 29, S 1/2 Sec. 30,  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.  
S 1/2 Sec. 30, and NW 1/4 NW 1/4 Sec. 30, T28S, R63E, MDBM, Clark County, Nevada,  
approximately 840 acres.

8. Existing place of use (same as shown in permit no. 47654) S 1/2 Sec. 29, S 1/2 Sec. 30,  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or  
S 1/2 Sec. 30, and NW 1/4 NW 1/4 Sec. 30, T28S, R63E, MDBM, Clark County, Nevada,  
manner of use of irrigation permit, describe acreage to be removed from irrigation.  
approximately 840 acres.

9. Use will be from Jan. 1st to Dec. 31 st of each year.  
Month and Day Month and Day

10. Use was permitted from Jan. 1st to Dec. 31st of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Drill 12" hole, install 8 5/8" casing, install  
State manner in which water is to be diverted, i.e. diversion structure, ditches,  
pump, tank, valves, fittings, distribution lines and appurtenances  
pipes and flumes, or drilled well, etc. (Thompson Drilling Co. Lic #290 performing work)

12. Estimated cost of works \$16,000.00

13. Estimated time required to construct works 30 days

14. Estimated time required to complete the application of water to beneficial use..... 1 yr.

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

..... water to be used for Mining and Milling purposes. Estimate usage at  
 ..... 112.2 gpm at 8 hrs per day, 22 days per month on a 12 month basis =  
 ..... 14,218,000 gal per year.

By s/Russell Avery  
 Russell Avery  
 Gem Enterprises  
 P.O. Box 15146  
 Las Vegas, Nevada 89114

Compared..... sp/kr..... pm/se

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 47654 is issued subject to the terms and conditions imposed in said Permit 47654 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 49651 and 51854 shall not exceed 14.218 million gallons annually.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under (CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 0.25..... cubic feet per second, but not to exceed 14.218 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before..... March 27, 1989

Proof of completion of work shall be filed before..... April 27, 1989

Application of water to beneficial use shall be made on or before..... March 27, 1989

Proof of the application of water to beneficial use shall be filed on or before..... April 27, 1989

Map in support of proof of beneficial use shall be filed on or before..... N/A

Completion of work filed..... JUL 12 1990 IN TESTIMONY WHEREOF, I..... PETER G. MORROS

Proof of beneficial use filed..... APR 30 2001 State Engineer of Nevada, have hereunto set my hand and the seal of

Cultural map filed..... my office, this..... 19th..... day of..... October.....

Certificate No. 16116 Issued AUG 21 2002 A.D. 1988

2407 (Rev. 6-81)

State Engineer

CANCELLED OCT 05 1995 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

CANCELLED SEP 14 1999 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

Can. Rescinded 12-11-96  
 See Ruling No. 4462

Can. Rescinded 5-16-00

(PERMIT TERMS CONTINUED)

this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.